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October 11, 2011

Lori Grifa
DCA Commissioner
101 South Broad Street
P.O. Box 800
Trenton, NJ 08625

**Re: Waiver Request from N.J.A.C. 5:80-26.15
Franklin Township / Somerset County**

Dear Commissioner Grifa:

Please accept this letter brief in lieu of a formal motion to waive the strict application of the affirmative marketing requirements in N.J.A.C. 5:80-26.15.

Franklin Township in Somerset County received substantive certification from the Council on Affordable Housing (COAH) on July 15, 2010. Included in that certified plan was the Laduree Inclusionary Development now known as Avalon Somerset. Avalon Somerset is a proposed 384-unit rental complex of which 58 apartments will be affordable to very low and moderate income households. Of the 58, 35 will be for very low income households. AvalonBay Communities is an experienced builder of quality inclusionary rental developments in New Jersey and will be the developer.

The Center for Great Expectations provides services to pregnant and postpartum homeless women. Currently, there is an adult women's program with a goal of helping its residents achieve independence and self-sufficiency for themselves and their children. As such, the adult women in the program receive the highest level of professional clinical care and are provided with intensive case management, advocacy, parenting education, academic/vocational pursuits and life skills development.

Upon discharge, the adult women and children will need permanent supportive housing.

The Center for Great Expectations received 16 project-based State Rental Assistance Program (S-RAP) grants that were not utilized for a previous project. However, the

Center for Great Expectations and AvalonBay are proposing to enter into an Agreement whereby the 16 project-based S-RAP grants are now able to be utilized by the Center for Great Expectations and transferred to Avalon Somerset, for the special needs adult women that have completed the Center for Great Expectations program. All will be very low income in this permanent supportive housing living arrangement and will be included in the 35 very low income units. There will be a 30 year deed restriction placed on all affordable rental apartments including the permanent supportive housing. Each selected tenant will execute a lease.

The affordable apartments will be interspersed within the three story walk-up apartment building and the four story elevator building. It should be noted that the Avalon Somerset site is adjacent to the Center for Great Expectations.

However, a waiver from the strict application of N.J.A.C. 5:80-26.15 Affirmative Marketing is needed to make this unique situation a reality. The Center for Great Expectations is requesting an exclusive agreement in that only the adult women who have successfully completed the program will be housed in the 16 S-RAP project based apartments. The Center for Great Expectations believes that the adult women who have successfully completed its program will be most successful in a permanent supportive arrangement.

There is a three part requirement for a waiver as per N. J. A. C. 5:96-15.2 (a). The following addresses those requirements:

Granting the waiver fosters the production of affordable housing particularly for the very low income special needs population. Building permits are about to be issued and AvalonBay expects to have the first affordable rental units ready for occupancy by Fall of 2012. As a result, there will be very low income clientele in place ready to occupy 16 of the 35 affordable units so the much needed and scarce apartments can be quickly occupied.

In addition, granting the waiver fosters the intent of, if not the letter of, the Council's rules. COAH and now DCA have always been proponents of special needs housing. In this instance, the clientele of the Center for Great Expectations have come from various walks of life. They were referred to the Center for Great Expectations through the Division of Youth and Family Services. For special needs population, the clientele traditionally come from a state agency. Their involvement in the program was random. With their homeless situation, pregnancy and children, their need is great and the expectation is that the women who have successfully completed the program have the best opportunity for self-sufficiency. Without the program's life skills, there is no degree of certainty that other women could function in an independent setting. As a result, the 16 selected women will have had an educational and monitoring background that was not available to others in a similar situation. That is why the Center for Great Expectations is requesting an exclusive arrangement. The permanent supportive housing will also provide a continuum of care.

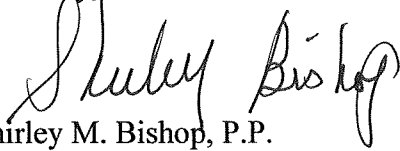
Finally, the Franklin Township housing element and fair share plan provide a mix of housing options. The fair share plan addresses a third round obligation of 965 units that includes supportive shared group homes, inclusionary for sale family units, inclusionary rental family units, 100 percent municipal construction, Habitat for Humanity housing, inclusionary age-restricted rental apartments and redevelopment sites.

Franklin Township is supportive of this waiver request as seen in the attached letter.

It is respectfully requested that DCA grant the waiver of the strict application of the rule as the waiver request meets the criteria of N.J.A.C. 5:96-15.2(a). It is also requested that the S-RAP grants begin the 10 year term at the date of occupancy of the apartments.

Thank you for your consideration and we await a favorable response.

Sincerely,



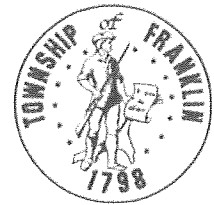
Shirley M. Bishop, P.P.
On Behalf of AvalonBay Communities

CC: Deputy Commissioner Charles Richman
Sean Thompson
Susan Lenz
Ron Ladell, Esq.
Franklin Service List

Franklin Township

A Proud Somerset County Community

MAYOR AND TOWNSHIP COUNCIL



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October 6, 2011

Lori Grifa
DCA Commissioner
101 South Broad Street
P.O. Box 800
Trenton, NJ 08625

Re: *Waiver Request from N.J.A.C. 5:80-26.15
Franklin Township / Somerset County*

Dear Commissioner Grifa:

Please accept this letter in support of Avalon Somerset's request to waive the strict application of the affirmative marketing requirements in N.J.A.C. 5:80-26.15 with respect to a portion of their proposed 384-unit rental development. This development is identified as the "Laduree Inclusionary Development" in the Township's Housing Element and Fair Share Plan which plan received Substantive Certification in July 2010. As indicated in the Township's Fair Share Plan, this development will consist of 58 affordable units, of which 35 will be affordable to very low income households. The affordable apartments will be interspersed with market-rate units in the development.

It is our understanding that:

- Avalon Somerset seeks to partner with the Center for Great Expectations, which provides services to pregnant and postpartum homeless women.
- The Center for Great Expectations received 16 project-based State Rental Assistance Program (S-RAP) grants that were not utilized for a previous project.
- The Center for Great Expectations and Avalon are proposing to enter into an Agreement whereby the 16 project-based S-RAP grants would be transferred to Avalon Somerset for the special needs adult women that have completed the Center for Great Expectations program.
- The Center for Great Expectations is requesting an exclusive agreement in that only the adult women who have successfully completed the program will be housed in the 16 S-RAP project based apartments.
- All such residents will be very low income in this permanent supportive housing living arrangement.

- There will be a 30-year deed restriction placed on all affordable rental apartments including the permanent supportive housing.
- Each selected tenant will execute a lease.
- A waiver from the strict application of N.J.A.C. 5:80-26.15 Affirmative Marketing is needed in order for this to occur.

The Township of Franklin is supportive of Avalon Somerset's request to waive the strict application of the affirmative marketing requirements in N.J.A.C. 5:80-26.15 in order to allow the above-described to occur since: adult women who have successfully completed Center for Great Expectation's program will be most successful in a permanent supportive arrangement; and this arrangement will foster the production of affordable housing particularly for very low income special needs population.

Please note that this support is predicated in part on the understanding that grant of the waiver from the strict application of N.J.A.C. 5:80-26.15 would result in *no reduction* in the degree or manner in which this development helps satisfy the Township's affordable housing obligation - i.e., *no reduction* in the total number of "COAH credits" towards the Township's *overall affordable housing obligation* and *no reduction* in the number of credits towards the Township's *very-low income housing obligation*.

If you have any questions regarding the above please feel free to contact Mark Healey, Township Director of Planning/ Municipal Housing Liaison, at 732-873-2500 x6271 or via email at mark.healey@twp.franklin.nj.us.

Sincerely,



Mayor Brian D. Levine

cc: Craig R. Novick, Township Manager
Donna M. Vieiro, Assistant Township Manager
Mark Healey, Director of Planning/ Municipal Housing Liaison

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